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# Newt Lee, Negro Who Notified Police of Mary Phagan Murder, Tells Coroner Girl's Body Was Lying Face Up With Head Toward West When He Found It — But Officers Declare They Found It Lying Face Down, Head Toward East, Knew She Was White, Said He, by Her Hair

## SAYS MR. FRANK DID UNUSUAL THINGS, BUT DOES NOT DIRECTLY IMPLICATE ANYONE

## Mr. Frank Met Him Outside Office Saturday Afternoon and Let Him Off for Two Hours, After Having Insisted That He Be There at 4 o'Clock—Mr. Frank Was Scared When He Saw Gantt, Says Negro—Telephoned Him That Night for First Time—Inquest Resumed at 2:15

That he found the body of Mary Phagan face up with its head toward the back of the building, was the startling evidence given at the coroner's inquest Wednesday morning by Newt Lee, the negro night watchman at the National Pencil factory in which the child was murdered.

This evidence, by which the negro has stuck without wavering is in direct conflict with the evidence of all the police officers and others who answered the negro's alarm.

They found the body lying face down with its head toward the front of the building, they all swear.

The negro swore to the coroner Wednesday, that when he scurried away from the body to the telephone, he stayed away until the officers came. He went with them—and they found the body exactly reversed from the position in which he says he found it.

Thus is mystery added to mystery in the crime.

If the negro tells the truth (and the police have been unable to shake him from his first story, however much they doubt some of its particulars), who turned the child's body over upon its face

with its head in the opposite direction after he left it go to the telephone?

## WAS MURDERER STILL THERE?

Was the murderer lurking there in the gloom at the back of the basement when the negro came down the ladder?

Was it the purpose to burn the body in the furnace—which was not burning then, but which might have been lighted easily from the clutter and trash? Did the negro's descent into the basement frustrate that? And then did the murderer pull the hasp on the rear door of the basement and flee before the officers got there?

Patience and perseverance upon the part of the police, and the incessant putting together of two and two, will reveal the story.

The negro did not attempt to implicate any one, in his evidence before the coroner's jury. His evidence was damaging slightly to Mr. Frank, the superintendent, in that he said Mr. Frank sent him away from the factory from 4 to 6 after having insisted that he be there at 4; that Mr. Frank looked frightened when he came down the stairs as the negro, after his return, met Mr. Gantt at the street door; and that Mr. Frank never had called him before, as he did over the telephone between 7 and 8 o'clock that evening, to ask if everything was all right. The obvious conflict, between the officers inability to distinguish at first whether the girl was white or black may be dismissed, perhaps, by the negro's stout assertion that he knew by her hair, which was long and brown and wavy, totally unlike that of a negro woman.

At 12:40 o'clock the coroner's inquest adjourned until 2:15 o'clock.

## THINKS HE SAW HER.

J. G. Spier, of Cartersville, testified that he saw a man and a girl, the latter of whom he declared positively after seeing the body at the undertaking establishment was Mary Phagan, on Forsyth street, near the pencil factory Saturday afternoon about 3:50 o'clock. He was positive the girl was the same whose body was

pointed out to him as Mary Phagan's, he said, but was not sure of the man. The general "outline," he said was the same as the pointed out to him as Frank. He saw this couple again about 5 o'clock, he said.

The first official and public probe into the deep mystery hiding the slayer of fourteen-year-old Mary Phagan, brutally murdered and mistreated last Saturday night in the National Pencil factory, was begun in earnest Wednesday morning at 9:10 o'clock, when the coroner's jury began its examination of witnesses.

The inquest was held at police headquarters, behind the closed doors of the station, in the office of the board of commissioners. Coroner Donehoo assembled his jury again (following a recess since it was empaneled last Monday morning) at the undertaking establishment of P. J. Bloomfield on Pryor street, and marched at the head of it from there through the streets to police headquarters, preferring to go to the witnesses who were incarcerated rather than bring those witnesses to the jury.

The following witnesses were called and sworn by the coroner:

E. E. Shank.

W. J. Coleman, step-father of the murdered child.

Adam Woodward, negro nightwatchman in an adjoining livery stable, who believes he heard a woman's screams about 11 o'clock Saturday night.

Newt Lee, negro nightwatchman in the pencil factory, who first reported the finding of the body.

W. W. Rogers, former county policeman, who carried the officers to the scene of the crime.

W. F. Anderson, call officer, city police.

Sergeants Brown and Dobbs, of the city police.

Miss Pearl Robertson, friend of Arthur Mullinax, the trolley car conductor who has been held upon suspicion.

J. M. Gantt, formerly bookkeeper at the National Pencil factory.

E. L. Sentell, who believes he saw the girl on the street with some man Saturday night.

It was a noticeable fact that L. M. Frank, superintendent of the factory, was not among the witnesses called at first. His attorney, Luther Z. Rosser, was present when the inquest began its work.

Coroner Donehoo resumed his inquest upon the mysterious murder of Mary Phagan Wednesday morning, reimpaneling shortly before 9 o'clock the same jury which met Monday and recessed for two days. The members of that jury are H. C. Ashford, L. Glenn Dewberry, of 352 Cooper street; J. C. Hood, of 185 Windsor street; C. A. Langford, of 144 Highland avenue; John Miller and C. Y. Sheats, of Cascade road.

Immediately after impanelling the jury at the undertaking shop of P. J. Bloomfield on Pryor street, where the murdered girl's body had rested until it was removed for burial Tuesday. Coroner Donehoo led it away from the crowd congregated in the street in front of the establishment, marching to police headquarters. There the negro night watchman, Newt Lee, and the superintendent, L. M. Frank, of the National Pencil company, were in detention behind stout bars.

## CALL OFFICER TESTIFIES.

W. F. Anderson, call officer, city police, was the first witness to be examined. He told of receiving a telephone call at police headquarters shortly after 3 o'clock Sunday morning a man's voice informed him that the speaker was the negro night watchman at the National Pencil company factory and that he, the watchman, had found the body of a young woman who evidently had been murdered. She was a white girl, the negro said.

The witness went to the factory on Forsyth street with other officers, and was met there by the negro, Newt Lee, and was led by the negro through a trapdoor down a ladder into the

basement, where after some moments he distinguished the body of the murdered girl later identified as Mary Phagan. He could not see it at first until he was almost upon it, said the officer. The body was lying in a corner beyond the end of a compartment partitioned off at the left from the main basement. It was lying upon its face. The left stocking was torn. The left shoe was missing. The left knee was bruised. The band around the bottom of the underskirt was torn off.

**GRUESOME DETAILS GIVEN.**

The head was very bloody, and the eyes were bloodshot. A cord, he said, which was a sort of small rope, was tied so tightly around the neck that it cut into the flesh. This cord was about six or seven feet long. In addition to it, the band which had been torn from the dead girl's underskirt, was wrapped round the neck.

He also found a bruise just above and back of the ear. He testified that the mouth and eyes of the dead child were filled with dirt and sawdust, and that the whole face was so discolored with grime that he was not sure at first whether the girl was white.

In reply to questions he said that he hadn't noticed whether the body had been dragged across the floor of the cellar.

After examining the body he had gone to the door which offered an exit from the cellar, and there he found that the staple on the inside had been drawn, and that the door had been opened by this means.

(Page 6, Column 1)

**LANTERN LIGHT DIM.**

At this point, Dr. J. W. Hurt took up the questioning and brought out an important fact from the witness.

He asked the witness what sort of light he had used in the cellar. The officer said that it was the usual police flashlight light. Then he inquired the sort of light used by Newt Lee, the negro night

watchman. The officer answered that it was a lantern, very much smoked, which gave only a dim light.

Lee has told the police that he noticed the body as he stood twenty or thirty feet away.

"Could he have seen twenty or thirty feet with his lantern?" asked Dr. Hurt.

"He could not," answered Officer Anderson, "He couldn't have seen more than twelve or fifteen feet. And I also think that the place where he says he was standing is in such a position that rays from the lantern would not have even fallen in the direction of the body.

He also testified that the reason which the negro gave for going to the cellar was not convincing.

**BASEMENT DESCRIBED.**

He was present, said the witness, when somebody picked up a note near the body. He identified it as the one written on a slip of yellow paper. Later somebody found another note. He didn't identify that. About five feet from the girl's body a pencil was found. Near it was a pad from which the slip evidently had been torn. He described the basement—a long, narrow enclosure between rock walls, with the elevator shaft near the front, a boiler on the right about half way back, a partition on the left shutting in an enclosure which seemed to be waste space, an open toilet on the right beyond the boiler, the girl's body on the left beyond that, and a door at the back end. The girl's left slipper was found near the elevator. She wore no hat that the couldn't find. He didn't remember distinctly how she was dressed, but believed it was in some dark material.

**SERGEANT BROWN TESTIFIES.**

Sergeant R. J. Brown gave evidence putting heavy suspicion upon the negro night watchman, Newt Lee. Call Officer Anderson has testified that the negro told him over the telephone that the body was that of a young white woman.

Sergeant Brown declared that he and his brother officers found it impossible to tell whether it was the body of a white or a colored girl until they made a minute examination.

He described revolting details. He said that the negro's story that he (the negro) first saw the body when he was standing some twenty-five feet away from it, seemed improbable to the officers, for they stood there and could not see it by the light of the negro's lantern, nor could they make it out until they were within just a few feet of it.

It was only after a minute examination, said the sergeant, that he and the other officers concluded that the negro's statement was right, that the body was that of a white person.

**BODY WAS COLD.**

"This is nothing but a child!" the officer said he exclaimed, when he first saw the body closely. The body was cold then and was somewhat still, said he.

"I couldn't tell whether it was a white girl or a colored girl. I took some shavings from around there and rubbed her face with them. Still I couldn't tell whether her skin was white or dark. Finally I had to roll the stocking down from the right knee—the other being torn and dirty; and then I saw her white skin."

The officer said the body was fearfully dirty—particularly the face. There was a place on the dirt floor of the basement that looked as if something might have been dragged there. He did not believe that all of the dirt that was on the child's face could have gotten there simply from the body's lying upon the dirt floor. Dirt was inside the child's mouth, even. Her tongue was swollen, and protruded almost to the point of her chin, showing she had choked to death. A piece of heavy twine was tied tightly around her neck. A strip from around the bottom of her underskirt was tied around her neck, too. He knew it was from her underskirt, because the lace on it matched the lace on her skirt, and a strip was missing there. The hands were folded beneath the body, but were not tied. He described the surrounding circumstances that

he found—a lock on a staple near the back door, the staple having been pulled out. The negro night watchman's lantern was of an ordinary type, said he, and had not been cleaned in some time, its globe being dirty and its light dim. Lee, the negro, told him that he (the negro) rarely went into the basement, but gave a reasonable excuse for his presence there when he found the body.

## GAVE LITTLE INFORMATION.

Sergeant Brown testified that Newt Lee gave them little information upon their arrival at the pencil factory. He said that the negro did not tell them whether he had touched the corpse.

He was questioned as to who had telephoned to Frank, and he said that Officer Anderson endeavored to reach Frank over the phone. The officer told central that a girl had been murdered and that it was of utmost importance that he be given the number that he asked. But although this number was rung repeatedly, he got no answer. It was not until much later Sunday morning that the police were able to get into communication with Frank.

He testified that the negro would have found it almost impossible to see the body from the position in which Newt Lee said that he was standing at the time he made his grewsome discovery.

He continued his testimony by saying that the girl's clothing was badly disordered and torn, and that the cord around her neck looped in the back. The band which was also bound round the neck was in two pieces which had been tied together. The tongue, he said, protruded an inch, and the blood upon the face was cold.

In his opinion the band from the underskirt had been tied about the neck before the rope, and that Mary Phagan was strangled to death.

## CLOTHES ARE EXHIBITED.

When his testimony had been concluded a dramatic incident took place. The clothes that the girl had worn were brought forward for the jury to see, and were placed in a heap on a chair. There was a

commotion at the side of the room. The brother of Mary Phagan rose, and for a moment remained staring at the heap in the chair. Without speaking, he clasped his hands to his head and pushed his way from the room.

Officer Anderson was recalled and testified that he found the body lying face downward, although Newt Lee had said that the body lay face upward.

He said that the legs of the body were not stiff, and that blood in the hair was still moist. Blood, he said, was still flowing from the body. According to his testimony, the head of the body lay toward Forsyth street, and there were signs in the cellar of a struggle.

The clothes which were shown to the jury consisted in a one-piece purple dress, with white trimmings. Only one shoe, a black gun-metal slipper, was displayed.

**HE FOUND THE NOTES.**

Sergeant L. S. Dobbs identified the two notes as having been found by himself near the body. One was written on yellow paper, the other on rough scratch pad paper. The elevator shaft, said he, is distant about 150 feet from where the body was found. He told of the minute examination that had to be made to determine whether or not the body was that of a white girl. Her hands looked as if she had been dragged face downward.

On the back of her head at the left was a wound. Cuts were on her face and forehead. The sergeant said he called Newt Lee, the negro, to him and said: "You did this or you know who did it." The negro denied any guilt, said the sergeant.

The sergeant said that then he read one of the notes to the negro, with a sentence like this:

"Mommer: Tall black thin negro did this. He will try to lay it on night—"

The sentence came to the end of a line there, said the sergeant.

"That means me," the sergeant said the negro night watchman said immediately. "The night watchman."

Later, said the sergeant, he stood where the negro said he was standing when he saw the body and tried to see it. He even went so far as to have a fellow officer lie down where the body had been. But though it was daylight, he barely could discern the officer there, said the sergeant; nor would he have seen him at all had not been looking particularly toward that spot with a definite purpose. By the light of a dim lantern, it would have been practically impossible for the negro to have stood where he claimed, said he, and seen the body in the gloom partially behind the corner of the partition and slightly below floor level.

The staple taken from the rear door could not have been pulled off save from the inside, said he. A piece of iron nearby might have been used to prize it out, said he.

Sergeant Dobbs, in reply to a question as to whether he thought the body had been dragged, said that after daylight had come he noticed a trail leading from the elevator shaft to where the body had been found.

**COULDN'T HAVE CARRIED BODY.**

In his opinion an ordinary man could not have carried the body down the ladder to the basement. The elevator, Sergeant Dobbs said, was on the first floor, on the Forsyth street level.

The girl's left shoe, Sergeant Dobbs said, was found alongside her hat on a garbage pile about 100 feet from the elevator and about 50 feet from the body. The boiler, in which there was no fire, was also about 100 feet from the elevator and 50 feet from the body, alongside the trail.

The notes, the witness said, were found almost together near the head, about two feet from the partition. There was no opening in the partition that he saw.

Sergeant Dobbs said that when he entered the basement he was three or four feet from the body before he saw it. The negro was leading the way, he said.

Sergeant Dobbs said the body was cold when he first saw it. He felt of the face and hands and knees. The finger joints were not stiff and could be worked back and forth easily, he said. Having had no experience with dead bodies, the witness said he could not estimate how long the girl had been dead when he found her.

**NO ONE IN BUILDING, HE SAID.**

Sergeant Dobbs said the negro told him no one had been in the building since he started to work at 6 o'clock Saturday night.

The girl's body was taken from the basement out the back way by the undertaker's. Sergeant Dobbs said, some time after daylight—about 6 o'clock Sunday morning, he thought.

Britt Craig, a newspaper reporter, was then called.

At 11:45 o'clock the negro night watchman, Newt Lee, was called to the stand by the coroner.

He said that he lives at 40 Henry street. Usually he went to his work about 6 o'clock as night watchman at the pencil factory, he said. Last Friday Mr. Frank, the superintendent, told him to come earlier, at 4, on Saturday, saying it would be a half holiday. Mr. Frank spoke to him two or three times about it during the day, said he. He appeared at the factory at 4 o'clock, accordingly, and found the street door unlocked but the double doors leading to the plant were locked. He has keys to the front and back of the factory, said the negro.

**FRANK LETS LEE GO.**

He went into the office and Mr. Frank came into the outer office from the inner office, rubbing his hands.

"I'm here, sir," the negro said he remarked to his employer.

"I'm sorry, Newt, that I had you come here so soon," the negro said Mr. Frank told him. "Go out and have some fun. Come back in about an hour and a half, but don't stay later than the usual time"—6 o'clock.

The negro said he left and returned at 6 o'clock.

The negro said that after coming to work each evening at 6 o'clock he punched the time clock, and started on his rounds of the four floors of the factory. Those rounds usually took him half an hour, he said, exclusive of the basement. If the half hour had not quite expired when he reached the clock, sometimes he went to the basement, too, said he; otherwise he omitted the basement and resumed his round.

**COULDN'T SEE INTO OFFICE.**

The negro said that usually Mr. Frank called him into the office, and that it was contrary to the usual custom when Mr. Frank came out into the outer office and met him. He couldn't see into the office, said the negro, or tell whether there was anybody else inside.

The negro said he left, going up Forsyth street to Alabama, east on Alabama to Broad, across the bridge, along Viaduct way to that Whitehall viaduct and down the street into Wall street and along that street to Central avenue, where he found a big fat man selling some sort of medicine. The man had some negroes there, eating fire and dancing, said Newt Lee. He stayed there until time to go back to work, and got back to the factory two or three minutes, or perhaps four minutes, before 6 o'clock. Mr. Frank was still there. He started to punch the clock. Mr. Frank told him to wait, that there had been only two or three there that day and the slip had been taken from the clock. Mr. Frank came out and the two of them put the slip back on, said the negro, and he punched the clock at 6. Mr. Frank went back into the office, said the negro, and he himself went back downstairs to close the doors. At the street door he met Mr. Gantt, formerly a bookkeeper in the office, said the negro. Mr. Gantt wanted to get in and get some old shoes

that he had left there. The negro told him it was against the rules, but that if Mr. Frank, who was upstairs, said no, he would let Mr. Gantt in.

At Mr. Gantt's request that he ask Mr. Frank, he turned from the door, and saw Mr. Frank just coming down the stairs from the office and machine room floor. Mr. Frank looked scared, said the negro, but he thought it was because he was afraid Mr. Gantt might have come there "to do him dirt," because Frank and Gantt had quarreled and the former had discharged the bookkeeper some weeks before. Mr. Gantt stated his case to Mr. Frank. "What kind of shoes were they?" Mr. Frank asked. "Tan," Mr. Gantt replied. "I think I saw the negroes sweeping them out this morning," said Mr. Frank, "But I had some black ones, too," said Gantt. "All right, Newt," said Mr. Frank. "Take him up there and stay with him." Mr. Frank went on out, said the negro, and he went up into the office with Mr. Gantt and got the shoes. The negro gave him some little red twine and some paper to wrap the shoes up. Mr. Gantt wanted to use the telephone, and the negro told him to go ahead. Mr. Gantt called some lady. "I know it was a lady because I heard him call her name," said the negro. He couldn't remember the name. Mr. Gantt told her he would be home about 9 o'clock or a little later. He talked some time, then hung up the receiver and left. The negro locked the street doors behind him, and then because Mr. Frank had told him to watch Mr. Gantt, he stood there at the glass door and watched him leave. Mr. Gantt crossed the street, passed in front of the saloon there, and went on off up the street, said the negro.

The negro said that he did not see Gantt at 4 o'clock when he first came to work. He did not watch Mr. Frank when he left, said the negro. Frank had a key to the building and could have returned while the negro and Gantt were upstairs. The negro said he did not go to the basement when he first came at 4 o'clock. He was asked if there was a rug carpet in Mr. Frank's office, and replied no. He knew because he cleaned it every night.

Mr. Frank offered him some bananas when he was there the first time, said the negro, but he declined the fruit.

## GANTT THERE HALF AN HOUR.

It took Gantt "no time at all" to find the shoes, said the negro. Gantt was in the building about half an hour. He did not know where Mr. Frank was during this time. He thought Mr. Frank walked away from the building toward Alabama. The first time he ever saw Mr. Frank, said the negro, was when he came to work there about three weeks before the crime.

After making the rounds of the building, or about 7 o'clock, he went to the basement, said the negro.

Machinery is on the second floor and on the top floor. Gantt got the shoes out of the shipping department near the clock on the second floor.

Lee said he went to the basement by way of the ladder through the trap door. A gas light always burned near the foot of the ladder. The gas was not as high as he had left it at 7 o'clock that morning. It had been turned down to about the size of the lightning bug. He received a phone message from Mr. Frank between 7 and 8 o'clock. Other members of the force had called him on previous nights occasionally, but this was the first that Mr. Frank had called him. Mr. Frank asked if everything was "all right," and the negro replied, "So far as I know."

## BODY WAS FACE UP.

The negro said that the body was lying face up when he discovered it.

Other witnesses who came later swore it lay face down when they found it.

This contradicted the evidence of all the policemen.

He was asked the point blank question by the coroner:

"Why did you turn it over?"

"I didn't turn it over," said the negro.

He said he punched the clock every half hour during Saturday night.

"What did Mr. Frank say on Sunday about that clock not being right?" he was asked.

"He said it was all right," replied the negro.

He was asked to repeat his story of how he found the body. He went down the ladder to go to the basement, and went into the toilet, leaving his lantern in front of it upon the ground.

On coming out, he saw the body of the girl lying on the ground around the corner of the partition. It looked very vague, and he thought somebody had put something there to frighten him. He found the body lying on its back with the head turned toward Madison avenue (exactly the reverse of the position the officers found it in). He saw blood on the face and knew by the straight hair that it was the body of a white woman.

"It scared me, that body there," said the negro, "and I called up the station house."

"How did you know the number?" asked the coroner.

Mr. Frank had given it to him, said the negro, for use in case of fire or anything unusual. "He gave me his own number, too, to call him up in case I wanted him."

The coroner asked him if he touched the body when he found it.

He said, "No, sir, I did not."

He did not go back to the basement until the police came.

He went through the machine room in which the girl was supposed to have been attacked, every 15 minutes, in making his rounds of the building. He had to pass through it, he said, on his rounds.

**PUNCHED CLOCK REGULARLY.**

In answer to a question, the negro said that Mr. Frank and Mr. Darley told him that he had punched the clock regularly. He thought that was on Sunday after he had been arrested, said the negro.

Answering another question, the negro said that he did not know when it was that he told the police of Mr. Frank having let him off, Saturday afternoon, or of Mr. Frank having telephoned to him later.

Answering another direct question, the negro said that when he returned with the police the body was "just the same" as when he first saw it.

The negro admitted that he said over the telephone that the body was that of a white woman. His lantern had been cleaned Friday, he said, and was in fairly good condition. He had never seen the dead girl before he found her body. The girls employed in the factory always left before he came to work, and he left before they came back. The factory work stopped each day at 5:30 o'clock, and he came on duty at 6 o'clock. He had seen the back door open in the daytime, he said, and he thought the fireman—a negro named Knollys—had a key to it.

Policeman Anderson corroborated the negro's statement about the gas jet being a very dim light.

## GIRL AND MAN NEAR FACTORY.

J. G. Spier, of Cartersville, in Atlanta Saturday, testified that he walked from the Kimball house down Forsyth street to the Terminal station with a friend Saturday afternoon and reached the Terminal station at exactly 3:50 o'clock. When he went by the National Pencil company's place, on his way back from the station, he saw a girl apparently about seventeen years of age and a white man apparently about twenty-five years of age, and both seemed slightly excited. The girl was nervous, and was twisting her hands, and he thought the man had been drinking. They were standing near the street door of the factory. He went on down to Five Points, he said, and later went back by the

Western Union office on Forsyth street, and at about twenty minutes to 5 o'clock he passed the man and the girl again. The girl was standing right by the door of the pencil factory. He saw the same girl Sunday morning at Bloomfield's undertaking establishment. There was no doubt in his mind that it was the same girl, despite the disfigured and swollen features of the corpse. He couldn't be sure about the man. A man pointed out to him by an officer as "Mr. Frank" had the same "outline" as the man he saw on Forsyth street. This man was pointed out to him on Sunday morning. About 8:30 o'clock he went to the factory where the detectives were making their investigation. We went there with a policeman, to whom he had told the story of the excited couple he had seen. He was on a Fair street car reading a newspaper extra, and got off the car and talked to an officer. He could not describe the complexion of the man whom he saw with the girl. He, Spier, is five feet and eleven inches in height, he said, and he thought the man with the girl would come about to his shoulder. He could not identify the clothing which had been worn by Mary Phagan, on the table. As well as he remembered, the girl had on a light cloak. He did not notice whether she wore a hat or not. He thought her hair was dark. He was in Atlanta on personal business, he said.

The Inquest adjourned at the conclusion of Mr. Spier's testimony, until 2:15 o'clock.